

REMARKS

Initially, applicant would like to thank the Examiner for the helpful and courteous telephonic interview he conducted with applicant's representative, William D. Blackman, on 15 August 2005. During such interview, it was tentatively agreed that Japanese 09281132 (Yamaha) applied in the Office Action of 15 June 2005, fails to teach a unitary, integrally formed socket section and lever support bracket for a watercraft, and that a request for reconsideration of the rejection of claims 1-3 based on such reference would likely be effective to overcome the rejection.

Upon entry of the present Amendment-A, claims 1-15 are pending in the application, of which claims 1, 2, 4 and 6-8 are independent.

In the above amendments, claim 2 is amended to overcome a minor informality, and new claim 15 defines a feature similar to the final clause of claim 2.

Applicant respectfully submits that all of the above amendments are fully supported by the original specification, including the drawings and claims. Applicant also respectfully submits that no new matter is introduced by the above amendments.

The applicant gratefully acknowledges the Examiner's allowance of claims 8-14 in the present Office Action, as well as the Examiner's indication that claims 4-7 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 4, 6 and 7 have not been amended to be in independent form because the rejection of claims 1-3 is believed to be overcome.

The above-identified Office Action has been reviewed, the references carefully

considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

In the Claims

Claim Rejections – 35 USC 102

At item 2 of the Office Action, the Examiner has rejected claims 1-3 under 35 USC 102(b), as being anticipated by Yamaha (JP 09-281132). The Examiner states in the Office Action, citing applicant's specification, that Yamaha discloses a lever-supported bracket with a socket section, and a tongue shaped piece.

The Standard for Anticipation

Upon careful consideration, applicant respectfully traverses such rejection and submits that claims 1-3 are patentably distinct over the Yamaha reference, based on the following.

Applicant respectfully wishes to call the Examiner's attention to some relevant cases of the U.S. Court of Appeals for the Federal Circuit (CAFC). The CAFC was established in 1982 to bring national standards, and a certain level of conformity and continuity to Federal patent case law. Decisions of the Federal Circuit are relevant and helpful in giving guidance to private patent practitioners, as well as to the personnel of the U.S. Patent and Trademark Office.

In the case of *Motorola, Inc. v. Interdigital Technology Corp.*, 121 F. 3d 1461 (CAFC

1997), the Court of Appeals for the Federal Circuit stated:

“For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art (citation omitted). ‘The [prior art] reference must describe the applicant’s claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it’ (citations omitted). Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there.” (emphasis added)

The above-quoted passage is consistent with many previous cases of the Federal Circuit and with MPEP 2131, which reiterate the rule that **in order to anticipate a claim, a reference must teach every element of the claim.**

Applicant respectfully submits that Yamaha does not disclose each and every element of applicant’s present invention. Specifically, Yamaha teaches a personal watercraft including a novel speed sensor disposition structure. The disclosure does not discuss at great length or with specificity the seat attachment apparatus or any mechanism for causing the watercraft to travel in reverse. While Yamaha may disclose the use of parts such as discussed in the background of the present specification, as the Examiner has noted, Yamaha fails to disclose the lever-support bracket and socket section integrally formed as a piece or rigidly connected together as defined in claims 1 and 2. Instead, Yamaha teaches that the lever-support bracket and the socket section each require multiple components, as discussed in applicant’s specification.

As also discussed in the present specification, the structure of the Yamaha watercraft is disadvantageous, e.g., in order to increase the strength and rigidity of the lever-support bracket and socket section the members must increase in size. Further, since the two separate pieces need to be placed in close vicinity with each other, it is difficult to secure sufficient space which will accommodate both parts.

Therefore, in applicant's invention, the socket section and lever-support bracket are formed together, thus allowing the strength and rigidity to be increased without increasing the size of the parts. Further, in applicant's invention, since the size of the parts need not be increased, the spaced needed to house the parts need not be as large either.

Applicant therefore requests reconsideration and withdrawal of the Examiner's rejection of claims 1-3 under 35 USC 102(b) as anticipated by the Yamaha reference.

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

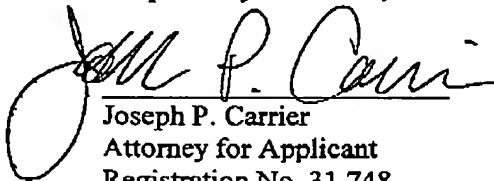
Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

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Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to the United States Patent and Trademark Office on August 18, 2005.


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JPC/amc